

**U.S. Department of Education**

**Staff Report  
to the  
Senior Department Official  
on  
Recognition Compliance Issues**

<b>RECOMMENDATION PAGE</b>
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1. **Agency:** Distance Education and Training Council (1959/2007)  
(The dates provided are the date of initial listing as a recognized agency and the date of the agency's last grant of recognition.)
2. **Action Item:** Petition for Continued Recognition
3. **Current Scope of Recognition:** The accreditation of postsecondary institutions in the United States that offer degree programs primarily by distance education up through professional doctoral degrees, and are specifically certified by the agency as accredited for Title IV purposes; and for the accreditation of postsecondary institutions in the United States not participating in Title IV that offer programs primarily by distance education or correspondence education up through professional doctoral degrees.
4. **Requested Scope of Recognition:** The accreditation of postsecondary institutions in the United States that offer degree programs primarily by distance education up through professional doctoral degrees, and are specifically certified by the agency as accredited for Title IV purposes; and for the accreditation of postsecondary institutions in the United States not participating in Title IV that offer programs primarily by distance education or correspondence education up through professional doctoral degrees.
5. **Date of Advisory Committee Meeting:** June, 2012
6. **Staff Recommendation:** Continue the agency's current recognition and require the agency to come into compliance within 12 months, and submit a compliance report that demonstrates the agency's compliance with the issues identified below.

Revise the agency's scope of recognition as requested.

7. **Issues or Problems:** The following issues are discussed in the SUMMARY OF FINDINGS section:

-- The agency needs to discuss how it determined whether an institution's response to the cited credit hour issues was, or was not, satisfactory. [§602.24(f)(3)]

-- The agency needs to provide documentation that it sends timely written notifications of final adverse actions to the Secretary, as well as to the appropriate accrediting and state agencies at the same time it notifies the institution of the decision. [§602.26(b)]

## **EXECUTIVE SUMMARY**

### **PART I: GENERAL INFORMATION ABOUT THE AGENCY**

The Distance Education and Training Council (DETC) accredits postsecondary institutions that offer programs primarily by the distance education method. At present, the agency accredits 100 postsecondary institutions within the United States. The agency also accredits some high schools and two non-US institutions, but those institutions are not included in the agency's recognition.

The agency's recognition enables its postsecondary institutions that offer degree programs, and that have undergone an additional DETC screening process, to establish eligibility to receive Federal student assistance funding under Title IV of the Higher Education Act of 1965, as amended (Title IV). The agency currently serves as the Title IV gatekeeper for thirteen institutions. Consequently, the agency must meet the Secretary's separate and independent requirements.

#### **Recognition History**

DETC is currently listed by the Secretary of Education as a nationally recognized accrediting agency, and it first held that status in 1959 under its previous name, the National Home Study Council. Since that time, the Secretary periodically reviewed the agency and has granted continued recognition.

The last full review of DETC took place at the December 2006 meeting of the National Advisory Committee on Institutional Quality and Integrity (NACIQI). After that review, the Secretary renewed the agency's recognition for a period of five years, and granted the agency an expansion of scope to include the accreditation of institutions offering the professional doctoral degree.

As part of its review of the agency's current request for continued recognition, Department staff reviewed the agency's petition and supporting documentation, and observed a meeting of the agency's decision-making body in Farmington, Pennsylvania on June 2-3, 2011.

## **PART II: SUMMARY OF FINDINGS**

### **§602.24 Additional procedures certain institutional accreditors must have.**

**If the agency is an institutional accrediting agency and its accreditation or preaccreditation enables those institutions to obtain eligibility to participate in Title IV, HEA programs, the agency must demonstrate that it has established and uses all of the following procedures:**

**(3) The accrediting agency must take such actions that it deems appropriate to address any deficiencies that it identifies at an institution as part of its reviews and evaluations under paragraph (f)(1)(i) and (ii) of this section, as it does in relation to other deficiencies it may identify, subject to the requirements of this part.**

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As noted under the previous section, the agency reviews its applicable requirements concerning credit hour assignments in conjunction with an initial or renewed accreditation. In addition, the agency's Policy on Credit Hour states that DETC will "take such actions that it deems appropriate to address any deficiencies."

However, DETC attests that any deficiencies noted during the review are corrected before an institution becomes accredited or reaccredited, but there was no documentation of an institution's response to the DETC findings. As well, evidence was not provided showing how the institution revised its credit hour assignments, or how DETC determined that those revisions were satisfactory and subsequently accepted by the agency.

Staff determination:

The agency does not meet the requirements of this section of the criteria. The agency needs to demonstrate how an institution cited for credit hour deficiencies responded, and how the agency determined that the response was satisfactory.

### **Analyst Remarks to Response:**

The draft staff analysis found that the agency needs to demonstrate how an institution cited for credit hour deficiencies responded, and how the agency determined that the response was satisfactory.

In response, the agency clarified that the institution was not cited by DETC for a deficiency in assigning the total number of credit hours for a course. The institution was cited in a DETC subject specialist analysis and in a site visit report for not informing the students of the correct amount of outside study/preparation time they would need to successfully complete a three-credit course. The institution had given the students the correct amount of contact hours that would be necessary, but had underestimated the total number of hours for preparation and study that students should be prepared to undertake.

The agency noted that the institution had submitted the changes that it was making to address these concerns, however, the agency's decision-makers will not meet until June 14-15, 2012 to determine if the institution's response is acceptable.

Until the agency's decision-makers actually meet to determine the acceptability of the institution's response, the agency cannot discuss how it determined whether or not that the institution's response was satisfactory. Until that meeting occurs, a finding of compliance cannot be made. (NOTE: DETC's June decision meeting will have been completed before the agency appears before the NACIQI. Therefore, agency representatives should be able to address this issue during their presentation to the NACIQI.)

Staff Determination:

The agency does not meet the requirements of this section. The agency needs to discuss how it determined whether an institution's response to the cited credit hour issues was, or was not, satisfactory.

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#### **§602.26 Notification of accrediting decisions**

**The agency must demonstrate that it has established and follows written procedures requiring it to provide written notice of its accrediting decisions to the Secretary, the appropriate State licensing or authorizing agency, the appropriate accrediting agencies, and the public. The agency meets this requirement if the agency, following its written procedures--**

**(b) Provides written notice of the following types of decisions to the Secretary, the appropriate State licensing or authorizing agency, and the appropriate accrediting agencies at the same time it notifies the institution or program of the decision, but no later than 30 days after it reaches the decision:**

- (1) A final decision to place an institution or program on probation or an equivalent status.
- (2) A final decision to deny, withdraw, suspend, revoke, or terminate the accreditation or preaccreditation of an institution or program;
- (3) A final decision to take any other adverse action, as defined by the agency, not listed in paragraph (b)(2) of this section;**

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The agency's written policies cover the requirements of this section regarding adverse decision notifications. The major adverse decisions are to deny or withdraw accreditation. Although DETC does not have a probation status, it does issue a "show cause" notice, which is made public. In addition, the agency included adequate documentation of its compliance with some of the listed

requirements. However, the agency did not provide sufficient documentation of its prominent and timely notification of adverse decisions to the Secretary, the appropriate state and accrediting agencies, and the public.

More specifically, the letter to the Secretary found in Exhibit 205 (re-uploaded under the analyst's documents) does not indicate the actual date the adverse decision became final. In addition, there was no evidence that the same notification letter, or a similar one, was sent to the appropriate state agencies or accrediting agencies. As well, there was no clear evidence of a prominent public notice being posted to the agency's website within 24 hours of the adverse decision being made final. The documentation provided (Exhibit 204) indicates that the relevant October 7 decision was made public by DETC no earlier than October 12. Furthermore, it is not clear if the adverse decision was prominently noted in some way on the agency's primary website page, or was buried layers within.

Therefore, until the agency can document that it prominently notifies the specified entities within the specified timeframes, a finding of compliance cannot be made.

#### **Staff determination:**

The agency does not meet the requirements of this section of the criteria. The agency needs to demonstrate that it provides prominent and timely notifications of final adverse decisions to the entities specified in this section of the criteria.

#### **Analyst Remarks to Response:**

The draft staff analysis found that the agency needs to demonstrate that it provides prominent and timely notifications of final adverse decisions to the entities specified in this section of the criteria.

In response, the agency discussed a particular case that the agency believed may have caused confusion. In addition, it appears that DETC may be equating the generic notices that can be acceptably provided to the general public, with the specific written notices that an agency is expected to provide to governmental regulators and relevant accrediting agencies.

In any case, the agency's response did not include documentation that DETC provides written notice to the Department, the appropriate state agencies, and the appropriate accrediting agencies, at the same time it notifies the institution of the decision, but no later than 30 days after the agency makes a final adverse decision. As already noted in the draft staff analysis, the DETC letter to the Secretary (Exhibit 205) does not indicate the actual date the adverse decision became final. In addition, there was no evidence that the same notification letter, or a similar one, was sent to the appropriate state agencies or accrediting agencies.

It appears to Department staff that the agency believes it has fulfilled its responsibilities if it posts a notice on its website and/or if it emails a mass

newsletter. In order to comply with the requirements of this section regarding final adverse actions, DETC will need to provide evidence that it sends a specific notification in a timely manner to the designated entities in a manner that cannot be easily overlooked, just as it is expected to notify the affected institution in a likewise manner. Specifically, evidence needs to be provided that DETC notifies the appropriate entities at the same time it notifies the institution of the final adverse decision. Until it does so, a finding of compliance cannot be made.

Staff Determination:

The agency does not meet the requirements of this section. The agency needs to provide documentation that it sends timely written notifications of final adverse actions to the Secretary, as well as to the appropriate accrediting and state agencies at the same time it notifies the institution of the decision.

### **PART III: THIRD PARTY COMMENTS**

The Department did not receive any written third-party comments regarding this agency.